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RACHEL PERILLO

March 11, 2021

Hon. Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Oscar Valdes-Garcia
16 Cr. 387 (JMF)

Dear Judge Furman:

I am the attorney for Mr. Valdes-Garcia on the above captioned matter. It is my understanding, after speaking with United States probation officer Ashley Geiser, that Your Honor wishes to proceed with Mr. Valdes-Garcia's sentencing on July 13, 2021. I write with the consent of the attorney for the government, Justin Rodriguez, seeking to adjourn Mr. Valdes-Garcia's sentence until a date after the conclusion of his co-defendants' trial. I make this request because I believe that, after having presided over the trial, you will have a more complete understanding of Mr. Valdes-Garcia's role in the organization and the appropriate sentence for that role. In addition, there is significant work to be done in preparation for Mr. Valdes-Garcia's sentencing which I have not yet been able to accomplish because of limitations on travel and my inability to meet with relevant sentencing witnesses as a result of the pandemic.

On January 7, 2020 Mr. Valdes-Garcia pleaded guilty to Count One, participating in racketeering conspiracy, Count Two, participating in a conspiracy to distribute or possess with the intent to distribute a controlled substance, namely,

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cocaine, Count Three, participating in a conspiracy by conspiring to commit an offense against the United States and Count Four, conspiring to commit an offense against the United States. At the time of his plea counsel requested that Mr. Valdes-Garcia's sentence be postponed until after the trial of his co-defendants' was completed. Your Honor agreed with the appropriateness of that application and the case was adjourned until May 21, 2020. (See pages 38-39 of the transcript which is attached) It remains true that a trial of this matter will reveal important information regarding Mr. Valdes-Garcia's role in the charged criminal activity, and may help inform Your Honor in sentencing him appropriately.

In addition, I have been unable to meet with members of his family who, although they wish to be "heard" at his sentencing, cannot read or write English, and in some cases Spanish, and will need to be video-taped in order to present relevant information to the Court. I have, as of March 1, 2021, been vaccinated against the Corona Virus, and hope to begin visiting clients and witnesses in the near future. However, many of the people with whom I hope to meet have not been vaccinated and are afraid to meet with me until they feel it is safe. As a result I cannot meaningfully complete a sentencing letter on my client's behalf without speaking with these important witnesses.

Therefore, I seek an adjournment of Mr. Valdes-Garcia's sentence until after the trial of his co-defendants or, should that application be denied, a date in the fall when I expect to have been able to meet with the appropriate sentencing witnesses in order to present a complete sentencing submission.

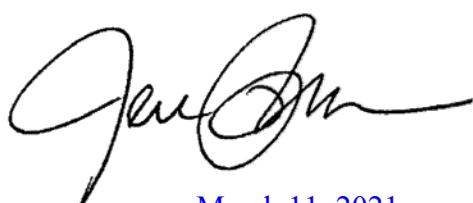
If you would like to discuss this application please contact my office.

Application GRANTED. Sentencing is hereby ADJOURNED to January 19, 2022, at 3:30 p.m. If the parties wish to delay the preparation of the PSR, which is what the Court believes counsel is referencing in connection with the Court's communications with Probation, they may do so by letter motion. The Clerk of Court is directed to terminate Doc. #488. SO ORDERED.

Respectfully submitted,

/s/

David Stern



March 11, 2021